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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 MICHAEL STEVEN NOVAK,

9 Plaintiff,

10 v.

11 JAMES THATCHER,

12 Defendant.

Case No. C08-5711BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

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14 This matter comes before the Court on the Report and Recommendation of the
15 Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 44). The Court having
16 considered the Report and Recommendation and the remaining record, and no objections by
17 Plaintiff having been filed, does hereby find and order:

- 18 (1) The Court adopts the Report and Recommendation; and
19 (2) This action is **DISMISSED** because Defendant is entitled to summary
20 judgement on all claims.

21 DATED this 9th day of November, 2009.

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24 BENJAMIN H. SETTLE
25 United States District Judge
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ORDER